

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF  
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February 16, 2000

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SENT VIA FEDERAL EXPRESS

Magalie Roman Salas, Secretary  
Federal Communications Commission  
Portals II, 445 12<sup>th</sup> Street SW, Suite TW-A325  
Washington, DC 20554

re: NSD-L-97-42, CC Docket No. 96-98  
In the Matter of the Washington Utilities and Transportation Commission's Petition  
for Delegation of Additional Authority

Dear Ms. Salas:

Enclosed for filing in the above matter please find one original and five copies of the Massachusetts Department of Telecommunications and Energy's Comments in Support of the Washington Utilities and Transportation Commission's Petition for Delegation of Additional Authority. Kindly stamp one copy and return it to us in the enclosed self-addressed Federal Express envelope. I have filed a copy of these comments electronically with the Commission's ECFS service (proceeding number 96-98).

Sincerely,



Kevin F. Penders, Esq.

KFP/kp

Enc.

cc: MDTE Commission (w/enc.)  
Paul G. Afonso, General Counsel, MDTE (w/enc.)  
Attached Service List (w/enc.)

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

NSD-L-97-42  
CC Docket 96-98

MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S  
COMMENTS IN SUPPORT OF THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION'S PETITION FOR DELEGATION OF  
ADDITIONAL AUTHORITY

Massachusetts Department of  
Telecommunications and Energy

James Connelly, Commissioner  
W. Robert Keating, Commissioner  
Paul B. Vasington, Commissioner  
Eugene J. Sullivan, Jr., Commissioner

One South Station, 2<sup>nd</sup> Floor  
Boston, MA 02110  
617-305-3500

Dated: February 16, 2000

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

NSD-L-97-42  
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MASSACHUSETTS DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY'S  
COMMENTS IN SUPPORT OF THE WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION'S PETITION FOR DELEGATION OF  
ADDITIONAL AUTHORITY

In response to the Common Carrier Bureau ("Bureau") of the Federal Communications Commission's ("FCC" or "Commission") Public Notice released January 31, 2000, the Massachusetts Department of Telecommunications and Energy ("Department") respectfully submits these comments in support of the Washington Utilities and Transportation Commission's ("WUTC") Petition for Additional Delegated Authority to Implement Number Conservation Measures ("Petition"). In its Petition, the WUTC seeks additional authority to (1) enforce number assignment standards, including auditing the use of numbering resources, and reclaiming unused and reserved area codes; (2) implement mandatory thousand number block pooling ("TNP") trials; (3) adopt interim number assignment standards; (4) implement interim unassigned number pooling ("IUNP"); and (5) revise rationing procedures if necessary. The Department supports the WUTC's Petition because granting the Petition will allow Washington to create innovative solutions tailored to the numbering issues that are particular to Washington's circumstances.

## I. BACKGROUND

On September 28, 1998, the Commission issued a Memorandum Opinion and Order, which outlined state commission authority to order of exchange code conservation. In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 312, 610, 215, and 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, FCC 98-224, NSD File No. L-97-42 (published November 16, 1998, Fed. Reg., 13 FCC Rcd. 19009) ("Pennsylvania Opinion"). Several petitions for reconsideration, such as the Department's petition filed October 28, 1998,<sup>1</sup> have already received a favorable ruling from the Commission.<sup>2</sup>

On December 8, 1999, the WUTC filed its Petition as part of its ongoing area code relief docket to manage the assignment of Washington phone numbers (Petition at 6). On January 31, 2000, the Commission published notice seeking comment on the issues presented in the WUTC Petition.<sup>3</sup> Washington joins Massachusetts, New York, Maine,

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<sup>1</sup> The Department filed a Petition for Reconsideration of the FCC's September 28, 1998 Opinion, on October 28, 1998, NSD-L-97-42, CC Docket 96-98.

<sup>2</sup> The FCC granted authority for Massachusetts, New York, Florida and California on September 15, 1999. Maine received its authority on September 27, 1999. On November 30, 1999, five other states have received additional authority (Connecticut, New Hampshire, Wisconsin, Texas & Nebraska). Since that time, Indiana, Ohio, Pennsylvania, and Washington have requested such authority. These petitions are still pending before the Commission.

<sup>3</sup> FCC Public Notice - "Common Carrier Bureau Seeks Comment on the Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Number Conservation Measures (NSD File No. L-97-42)."

Florida, California, Connecticut, New Hampshire, Wisconsin, Texas, Nebraska, Indiana, Ohio, and Pennsylvania in having filed petitions with the Commission for additional authority to implement code conservation measures.<sup>4</sup>

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<sup>4</sup> *In the Matter of California Public Utilities Commission Petition for Delegation of Additional Authority Pertaining to Area Code Relief and NXX Code Conservation Measures, CC Docket No. 96-98 (September 15, 1999). In the Matter of Massachusetts Department of Telecommunications and Energy's Petition for Waiver of Section 52.19 to Implement Various Area Code Conservation Methods in the 508, 617, 781, and 978 Area Codes, CC Docket No. 96-98 (September 15, 1999). In the Matter of Florida Public Service Commission Petition to Federal Communications Commission for Expedited Decision for Grant of Authority to Implement Number Conservation Measures, CC Docket No. 96-98 (September 15, 1999). In the Matter of New York State Department of Public Service Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98 (September 15, 1999). In the Matter of Maine Public Utilities Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures, CC Docket No. 96-98 (September 27, 1999). In the Matter of Connecticut Department of Public Utility Control's Petition for Delegation of Additional Authority to Implement Area Code Conservation Measures, CC Docket 96-98 (November 30, 1999). In the Matter of New Hampshire Public Utilities Commission's Petition for Additional Delegated Authority to Implement Number Optimization Measures in the 603 Area Code, CC Docket No. 96-98 (November 30, 1999). In the Matter of Ohio Public Utilities Commission's Petition for Delegation of Additional Authority to Implement Number Conservation Measures, CC Docket No. 96-98 (November 30, 1999). In the Matter of Petition of the Public Utility Commissioners of Texas for Expedited Decision for Authority to Implement Number Conservation Measures, CC Docket No. 96-98 (November 30, 1999). In the Matter of Petition of the Public Service Commission of Wisconsin for Delegation of Additional Authority to Implement Number Conservation Measures, CC Docket No. 96-98 (November 30, 1999).*

## II. DISCUSSION

The FCC has encouraged state commissions to develop innovative solutions to numbering issues (Pennsylvania Opinion at ¶¶ 30-31). The petitions of Washington, Massachusetts, New York, Maine, Florida, California, Connecticut, New Hampshire, Wisconsin, Texas, Nebraska, Indiana, Ohio, and Pennsylvania are the first steps in developing such solutions. The Department supports the WUTC's Petitions because the WUTC's proposed code conservation measures offer significant opportunities to relieve the pressures of premature exchange code exhaustion confronting Washington.

The Department has presented its supporting views on the code conservation methods described by the WUTC in comments and reply comments filed by the Department on various state code conservation petitions.<sup>5</sup> The Department will not repeat those arguments. The Department, however, draws the Commission's attention to the WUTC's statement that its Petition is intended to slow the depletion of the new area codes that will be introduced when the 206, 253, 425, and 509 NPAs are exhausted (Petition at 11). Prompt action to delegate authority, including number pooling authority, to states like Washington is the best assistance the Commission can give to state commissions faced with introducing new area codes.

## III. CONCLUSION

The Department supports the WUTC's Petition and the efforts of the WUTC to address its numbering issues with several well-chosen code conservation methods. The

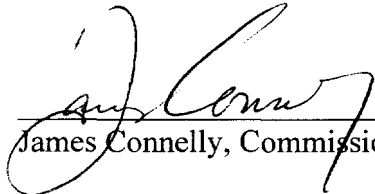
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<sup>5</sup> See MDTE Comments filed on the petitions cited in fns. 2 and 4, supra.

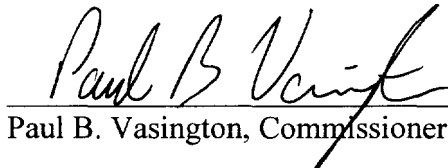
Commission should delegate to the WUTC the requested additional authority as set forth in the Petition. The WUTC Petition presents useful and innovative proposals on code conservation for the Commission's consideration. For the foregoing reasons, we support the Petition for Delegation of Additional Authority filed by the Washington Utilities and Transportation Commission on December 8, 1999.

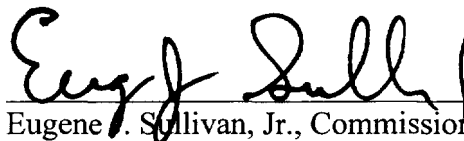
Respectfully submitted,  
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